FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH AT NAGPUR

First Appeal No. 77/2007
(*Bharat Stores, Nagpur, thro.its Partner Vasantkumar Ranchhoddas Shirimankar* **VERSUS** *E.S.I.C.thro.its Dy.Regional Director, Nagpur & another***)**

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri Raut, Advocate for the appellant.
Shri Pillai, Advocate for the respondent.

CORAM : Smt. Vasanti A. Naik, J.
DATE : 18th July, 2007.

Heard learned counsel for the parties.

The respondent had communicated to the appellant that the firm of the appellant was covered under the provisions of E.S.I. Act with effect from 01.06.1983, and therefore, the appellant was directed to pay the E.S.I. Contribution as the appellant had more than 20 employees working with the appellant at the relevant time. The order passed by the respondent corporation, declaring the appellant firm to be covered under the E.S.I. Act and provisions therein was challenged by the appellants before the E.S.I. Court at Nagpur. The E.S.I. Court, after considering the evidence tendered by the parties on record, arrived at a conclusion that the appellant had engaged more than 20 workers during the relevant time. The Court also held that the two units of the appellant firm

by name 'Bharat Stores' and 'Bhavesh Corporation' could also be clubbed together for the purpose of coverage under the Act.

The findings recorded by the E.S.I. Court are based on the proper appreciation of the material evidence on record and they do not give rise to any substantial question of law. The judgment reported in AIR 1994 SC 521 and relied on by the counsel for the appellant would hardly be of any assistance to the case of the appellant as the same is not applicable to the facts of the case as also the question involved in the aforesaid decision was not raised by the appellant before the E.S.I. Court.

Since no substantial question of law arises for consideration in this first appeal, the same is dismissed with no order as to costs.

JUDGE

APTE